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# THE REALITY OF A CATHOLIC LAW SCHOOL

BARBARA BADER ALDAVE\*

Professor Perry's paper, to which I have been asked to respond, is entitled "The Idea of a Catholic University." Instead of responding directly, however, I am going to exercise the prerogative of all reviewers and respondents: Although I will selectively incorporate parts of Professor Perry's message into my presentation—that is, I will steal those of his ideas which are most useful to me—I am going to treat his paper primarily as a pretext or excuse for expounding some thoughts of my own.

Professor Perry and I share some important characteristics. For one thing, both of us are Roman Catholics. For another, both of us would probably be described by many folks, whether friends or foes, as "liberals." (Incidentally, back home in Texas, most of those who call me a "liberal" intend to be about as flattering as those who refer to me as a "Yankee" or a "feminazi" or "The Wicked Witch of the West.") While Professor Perry and I may have the same basic religious and political orientation, however, we come to you with rather different backgrounds and experiences. First, Professor Perry is a man, and I am a woman. Second, as he reveals in one of the footnotes in his paper, he is, to a large extent, a product of Catholic schools. I, on the other hand, have never been a student at a Catholic educational institution. Finally, Professor Perry is currently a professor at a secular law school, while I serve as the dean of a law school owned by a religious order—the Society of Mary. Given our commonalities and our differences, perhaps it is not surprising that I agree with virtually everything in Professor Perry's paper. However, I prefer to focus my remarks on a topic that is given relatively short shrift in his paper—that is, how "*The Idea of a Catholic University*" can and should be translated into "*The Reality of a Catholic Law School*."

At the heart of Professor Perry's paper is the assertion that a Catholic university should make two sets of affirmations in its governing documents and its basic culture. The first set attests to the fundamental Christian beliefs that God is disclosed to us in Jesus Christ as pure, unbounded love, and that all of us, as children of God, are called to love God and our neighbor. The second set acknowledges the possibility of error or sinfulness within the Catholic tradition and recognizes the

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universality of grace and truth, which may infuse *any* of the religious or non-religious traditions of humankind. As I reflected on the content of these two sets of affirmations, I gradually came to understand that they articulate, better than I have ever been able to articulate for myself, what I have long believed, and what I have recently attempted to put into practice at St. Mary's University School of Law.

I became the Dean at St. Mary's almost five years ago. While I was interviewing for the deanship, I was entirely honest about the changes that I hoped to effectuate. The Law School had been, by anyone's standards, a conservative institution. The curriculum was extremely limited, and most of the course of study was mandatory. In an area of the country in which Hispanics constitute the majority, the student body was overwhelmingly Anglo, and the faculty was almost exclusively white and male. A dress code and strict disciplinary rules were in effect. The place reminded me of a military camp. There were crucifixes on the walls and a priest-chaplain on the premises, but otherwise the school struck me as only marginally more "religious" than the determinedly secular University of Texas, from which I had come. Nevertheless, I was attracted to the institution—primarily because I thought that a Catholic law school could and should be different from its secular counterparts. Both the University and the Law School had adopted "mission statements" that espoused ideals that I shared. As I saw it, the challenge was to translate those ideals into reality.

Five years later, I am older and wiser, but I remain committed to the enterprise. And my colleagues and I are making progress. We are convinced that a "Catholic" law school ought to be *open* and *inclusive*—open to ideas that are generated by people with varying philosophies and points of view, and inclusive of individuals who differ from each other in class, race, gender, national origin, and experience. Thus, we have worked hard to diversify our administration, faculty, staff, and student body, as well as our curriculum. Five years ago, seven percent of the students in our first-year class were members of minority groups; today, thirty-two percent of them are. Of the twelve faculty members who have been appointed to tenured or tenure-track positions during my deanship, five are women, three are Mexican-American, and two are African-American. Four of our five chief administrators are women, and two of them are Hispanic. All of the new folks, in my admittedly biased opinion, are superbly well-qualified.

While diversifying our faculty and student body, we also have been encouraging those who are with us—if I may quote from the Land O'Lakes statement cited in Professor Perry's paper—to "draw knowl-

edge and understanding from all the traditions of [hu]mankind." Among other things, we have established more than fifty new courses and seminars. They include offerings in Comparative Law, Environmental Law, Poverty Law, International Human Rights, Law and Philosophy, Bioethics, Racism and the Law, Capital Punishment, Family Violence, and Feminist Jurisprudence. Our professors now employ a broad array of teaching methods, and their scholarship runs the gamut from the thoroughly traditional to the genuinely innovative. Acting on their own initiative, our students have formed new organizations to respond to the special concerns of Hispanics, African-Americans, and Asian-Americans, and to advance the interests of other identifiable subcultures within the Law School community.

Even while we at St. Mary's University School of Law have been striving to bring greater ethnic, cultural, and intellectual diversity into our community, we also have been developing a heightened sense of our unifying mission, and of our *connectedness* to other parts of our University and the larger society. *Webster's Third New International Dictionary* tells us that "catholic"—with a small *c*, of course—means not only "very broad in sympathies, understanding, appreciation, or interest," but also "not narrow, isolative, provincial, or partisan." The third section of this conference, as you know, will be devoted to tensions between law schools and universities. In my view, a law school can greatly improve the relationship between itself and the larger entity of which it is a part, and produce real and important benefits for both the school and the university, by promoting collaborative ventures and instituting joint-degree programs. For example, our school now offers students the opportunity to work simultaneously toward a law degree and a master's degree in business administration, economics, industrial engineering, international relations, public administration, or *theology*. I was astounded to learn that only a handful of law schools around the country currently offer a joint program in law and theology, or law and divinity. Such a program seems to me to be a natural for a religiously affiliated institution.

One of our newest ventures at St. Mary's helps to "connect" the Law School not only with the rest of the University, but also with other areas of the world. Just last week we began to advertise our new Institute on International Human Rights Law, which is codirected by a law professor and a professor of political science, and which will sponsor a study tour through El Salvador in May. Given the universal character of our Church and its concerns, I think it especially appropriate for a Catholic law school to sponsor foreign-study programs and to initiate faculty and student exchanges with law schools in other lands. Each year, our school

sponsors a summer program in Austria on international and comparative law, cosponsors with the Universidad de Monterrey a transnational study and training program for U.S. and Mexican business lawyers, places students in summer internships in firms and agencies throughout northern Mexico, and hosts visiting professors and scholars from a number of foreign countries.

If any one thing should be of central importance in a Catholic law school, it is a commitment to justice—not only justice under the law, but justice and fairness in society. As Professor Perry emphasizes in his paper, Christianity teaches that all of us human beings are children of God and that we are to love one another with radical inclusivity. This teaching not only requires us to treat our colleagues, coworkers, and students with the utmost respect, always remaining cognizant of our equal dignity as human beings, but also calls upon us to extend love to persons outside of our immediate environment. We are to love even the Samaritans, the tax collectors, and the lepers of our day. We are to love all people, but especially the poor, the marginalized, and the oppressed.

A law school can eloquently and effectively express its commitment to justice, and encourage its students to nourish and develop their highest and best instincts, by founding and supporting clinical programs that are designed to make the law more responsive to the needs of the poor or to provide legal services to underrepresented groups of people. Because St. Mary's is a Catholic law school *and* is located in one of the poorest large cities in the United States, I believe that we have a special obligation to do everything possible to introduce our students to the rewards of helping or empowering others. Our first three clinics were a Poverty Law Clinic, which served primarily women, children, the elderly, and inhabitants of homeless shelters; a Juvenile Justice Clinic, which provided representation to young people accused of crime; and a Capital Punishment Clinic, which assisted death-row inmates in habeas corpus proceedings. These three clinics now have been consolidated and expanded into a Civil Justice Clinic and a Criminal Justice Clinic. We have added an Immigration Clinic, and we will open a Human Rights Clinic this fall.

Not all members of the San Antonio community have welcomed the establishment of these clinical programs. Because many more people are executed in Texas than in any other state, it is hardly surprising that our efforts to assist those convicted of capital murder have been particularly controversial. Whenever anyone is so bold as to complain directly to me about our clinics, however, I have a ready answer. We at *St. Mary's* University School of Law are virtually obliged to sponsor the

particular clinical programs that we have initiated, I aver. After all, for whom is our school *named*? Once we strip away the heavily romanticized tradition that surrounds her, what does *Mary* mean to us Catholics? In the early part of the New Testament, Mary is introduced to us as an unmarried, pregnant teenager. When last we hear of her, she is an old woman, at least by the standards of her time—a widow who looks to friends for sustenance and support. Between her major appearances, she has searched for shelter, fled from persecution, and watched the execution of her son. Somehow I have to believe that such a woman, whom I view as a strong and courageous figure, would heartily approve of programs — instituted at the only law school bearing her name—that are designed to aid the poor and the homeless, immigrants and refugees, the young and the elderly, and inhabitants of death row.

Yet, you may say, most *secular* law schools are diversifying their faculties, student bodies, and curricula. They, too, have fashioned joint-degree programs and expanded their offerings in international law, and many of them stress to their students the importance of working for justice and serving others, often through clinics and pro bono programs. So what is special about religiously affiliated law schools in general, or Catholic law schools in particular?

First, I am delighted that many secular law schools — whether or not they would feel comfortable with this language—are doing their part to advance the reign of God. Second, if anything is special about Catholic law schools, it should be that they view the advancement of the reign of God as their principal business—as the ultimate rationale for all that they do. Thus, the real test of their success should not be how much money their graduates earn, on the average, but rather should be how well those graduates, on the average, integrate their religious faith into their professional and personal lives. We who serve on the faculties or in the administrations of Catholic law schools have some major advantages over our secular counterparts in promoting our own and our students' "success," in the sense in which I use this term. We can and should draft and publish mission statements that explicitly affirm our Christian convictions. We can and should explain to our students, without embarrassment or apology, why it is more important for them to act honestly, ethically, and compassionately, and to serve the needs of others, than to amass wealth or power for themselves. We can and should engage in discussions, or collaborate on service projects, or participate in liturgies that allow us, our colleagues, and our students to interact as whole persons. We have the opportunity to live our religious faith openly and authentically, and to demonstrate that it not only can coexist with

intellectual and professional excellence, but can inspire us to be all that we can be, and to do all that we should do.

We who teach in religiously affiliated law schools are a privileged lot. We ought to strive mightily to meet the demands of our calling. After all, "of those to whom much is given, much is required." If we do our best, God will know it — and, I hope and pray, will be pleased.